

Remarks/Arguments:

This Amendment and Response replies to the non-final Office Action mailed November 25, 2009 (hereinafter “Office Action”).

Status of the Claims:

Claims 8-14 are currently pending and stand rejected. Claims 1-7 were previously canceled. By this present amendment, claims 8-14 are canceled without prejudice and claims 15-30 are new. Support for the new claims can be found throughout the specification, drawings, and/or claims as filed.

Any amendments and cancellations presented herein are made to expedite prosecution of the application without admission as to the propriety of the rejections and objections set forth in the present Office Action and without acquiescence to the Examiner’s characterization of the claims or prior art. Applicants respectfully reserve the right to include claims of the same or different scope as previously written in one or more continuing applications.

Claim Rejection under 35 U.S.C. § 112, second paragraph:

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *See* Office Action, page 2.

Applicants respectfully submit that claim 1 was previously canceled in the amendment filed May 9, 2005. To the extent that the Office intended to recite claim 8, this rejection has been rendered moot in view of the present cancellation of claims 8-14.

Claim Rejection under 35 U.S.C. § 102(b):

Claims 8, 9 and 11-14 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0120270 (hereinafter “Trieu”). *See* Office Action, page 3.

This rejection has been rendered moot in view of the present cancellation of claims 8-14.

Claim Rejection under 35 U.S.C. § 103(a):

Claim 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Trieu in view of U.S. Patent No. 5,156,616 (hereinafter “Meadows”). *See* Office Action, page 4.

This rejection has been rendered moot in view of the present cancellation of claims 8-14.

New Claims:

Applicants respectfully submit that Trieu and Meadows, when considered alone or in combination, fail to disclose, teach, or suggest all the limitations of new independent claim 15. For example, neither Trieu nor Meadows discloses, teaches, or suggests an implantable link including a conical tubular part configured and dimensioned to receive a bone screw therein having a proximal end and a distal end; and at least two cords extending from the proximal end of the tubular part, each of the cords having a length greater than a length of the tubular part.

While Trieu at paragraph [0041] discloses an implant that can be provided with “pigtailed or other extensions of reduced size,” there is no disclosure in Trieu or Meadows of an implantable link including a conical tubular part and at least two cords extending from the proximal end of the tubular part, each of the cords having a length greater than a length of the tubular part, in combination with the other claimed limitations.

For at least the foregoing reasons, Applicants respectfully submit that claim 15 is allowable as written over Trieu and Meadows and that claims 16-30 are also allowable over these references for at least depending directly or indirectly from an allowable claim.

Conclusion:

Applicants respectfully submit that each rejection recited in the Office Action has been overcome or rendered moot and respectfully submits that each of the pending claims is in condition for allowance.

Application No. 10/534,379
Attorney Docket No. 062845-5050US
Amendment dated May 25, 2010
Response to Office action dated November 25, 2009

Should the Examiner wish to discuss any aspect of this application, Applicants' representatives suggest a telephonic interview to expedite prosecution of the application.

The Director is hereby authorized to charge any necessary fees, including extension fees under 37 C.F.R. § 1.17(a), or credit any overpayments in connection with this submission to Deposit Account No. **50-0310** (Billing No. 062845-5050US).

Respectfully submitted,

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